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Office of Personnel Management

FPM Letter 307-13

Federal Personnel Manual System

FPM Letter

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SUBJECT: Veterans Readjustment Appointments and Other Kinds of Employment for VRA Eligibles

Washington, D. C. 20415
April 18, 1979

Heads of Departments and Independent Establishments:

1. This letter transmits revised regulations and updated program guidance concerning veterans readjustment appointments and other kinds of employment for VRA eligibles. Major changes to our previous VRA related issuances have been made that reflect the spirit and intent of the Civil Service Reform Act, namely, that agencies are capable of developing and administering effective VRA Programs based on their specific needs. These changes are:

- revisions to regulations in Parts 307 and 316 of title 5, Code of Federal Regulations, as published in FPM Supplement 990-1, and based on Public Law 95-520, enacted October 26, 1978 (Attachment 1);

- replacement of FPM chapter 307 on Veterans Readjustment Appointments (Attachment 2); and

- revisions to FPM chapter 316 affecting temporary and term employment for VRA eligibles (Attachment 3).

2. The most significant changes to chapter 307 are:

- incorporates into the chapter the liberalized VRA eligibility criteria of Public Law 95-520, which was described in FPM Bulletin 307-13, "Veterans Readjustment Appointments," dated November 28, 1978;

- establishes a flexible training and educational plan in terms of scope and length for veterans readjustment appointees; no longer does the one year minimum time period for developmental programs exist;

- permits promotions of veterans readjustment appointees above GS-7 or equivalent grade levels;

- supersedes FPM Letter 300-21, "Reports of Federal Agency Activities in Implementing Public Law 93-508," dated July 11, 1975 by not requiring agency narrative 6-month reports on activities to promote maximum employment, placement, and job advancement opportunities for qualified disabled and Vietnam era veterans; instead the use and extent of agency veterans readjustment appointments for disabled and Vietnam era veterans will be monitored, evaluated, and reported to Congress based on personnel

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Inquiries: Office of Affirmative Employment Programs, Veterans Employment Programs, 254-3058

Code: 307, Veterans Readjustment Appointments

Distribution: FPM

transaction data received in the Central Personnel Data File (CPDF); this reporting requirement is described in section 1-9 of the revised chapter 307; and

- revises the "Model VRA Plan" by emphasizing the availability of counseling services to veterans readjustment appointees from both the Veterans Administration and the agency.

3. The past record of the Federal Government in employing Vietnam era veterans is commendable. The provisions of this letter will add to our capacity as the Nation's largest employer to help Vietnam era veterans obtain meaningful employment.

4. Attachments to this letter have been prepared for issuance through the FPM system and will be distributed in the near future.

Jule Sugarman

Jule M. Sugarman
Deputy Director

Attachments

INSERT - Revised FPM Supplement 990-1

(THIS MATERIAL APPEARED IN THE FEDERAL REGISTER ON JANUARY 19, 1979.)

Part 307

Veterans Readjustment Appointments

Sec.
307.101 Definitions
307.102 Basic eligibility
307.103 Appointment authority
307.104 Approved education or training program
307.105 Conditions of employment
307.106 Noncompetitive movement
307.107 Reporting requirement

Authority: The provisions of this part 307 issued under 5 U.S. Code 3301, 3302; E.O. 11521, 44 FR 3943-3944.

Sec. 307.101 Definitions. In this part: (a)) Veteran has the meaning given in section 2011(2)(A) of title 38, United States Code.

(b) Vietnam era is the period beginning August 5, 1964 and ending May 7, 1975.

(c) Veterans readjustment appointment is an excepted appointment made after April 8, 1970, under this part to a position otherwise in the competitive service of a veteran who served during the Vietnam era.

Sec. 307.102 Basic eligibility. (a) A veteran may receive a veterans readjustment appointment if he/she:

(1) Has served on active duty in the armed forces of the United States during the Vietnam era;

(2) Has completed not more than 14 years of education unless compensably disabled or discharged because of service-connected disabilities, in which case the 14-year educational requirement does not apply; and

(3) Agrees in writing that during employment under the appointment, veteran will pursue a training or educational program developed under section 307.104.

(b) A Vietnam era veteran may be given a veterans readjustment appointment at any time following separation from the service, except that no veterans readjustment appointment may be made under current statutory authority after September 30, 1981.

Sec. 307.103 Appointment authority. (a) An agency may appoint any veteran eligible under section 307.102 who meets the qualification standards of

the Office of Personnel Management for the position, to a position at GS-7 or below, or the equivalent in another pay system. On the basis of military and civilian experience, any veteran eligible under section 307.102 is deemed to meet the qualification standards for positions at GS-3 and below, and equivalent levels, provided the agency considers the veteran capable of performing the duties of the specific position.

(b) An agency may make an appointment to a position in GS-2 or below, or equivalent levels, when there is substantial opportunity for progression to at least GS-3, or the equivalent.

(c) An appointment under this section is subject to investigation by the Office. A law, Executive Order, or regulation which disqualifies a person for appointment in the competitive service also disqualifies a person for a veterans readjustment appointment.

Sec. 307.104 Training or educational programs. (a) Each agency shall develop a training or educational program for each employee given a veterans readjustment appointment.

(b) The Office shall establish and publish guidelines for developing training or education programs under this section.

Sec. 307.105 Conditions of employment. An employee holding a veterans readjustment appointment serves subject to satisfactory performance of assigned duties and satisfactory participation in the required training or educational program. The agency shall separate an employee who does not meet these conditions, following the procedures in Part 43 of this chapter if the employee has completed one year of current continuous employment.

Sec. 307.106 Noncompetitive movement. (a) Subject to section 335.103 of this chapter an agency may reassign, promote, or transfer an employee serving under veterans readjustment appointment to any position for which the employee meets the qualification standards of the Office.

(b) Noncompetitive movements under this section are subject to completion of applicable training or educational programs.

Sec. 307.107 Reporting requirement. (a) Agencies shall submit reports on efforts to promote maximum employment, placement, and job advancement opportunities for disabled and Vietnam era veterans to the Office on a 6-month basis.

(b) The Office shall establish and issue guidelines for the preparation and submission of these reports.

(INSERT - Revised Section 316.302(c)(2) to FPM Supplement 990-1)

(2) A veteran, as defined in section 2011(2)(A) of title 38, United States Code, who:

(i) Served on active duty in the armed forces of the United States during the Vietnam era beginning August 5, 1964 and ending May 7, 1975;

(ii) Completed not more than 14-years of education, unless compensably disabled or discharged because of service-connected disabilities, in which case the 14-year educational requirement does not apply; and

(iii) Is qualified to perform the duties of the position.

An appointment under this subparagraph may be made only to a position at GS-7 or below, or equivalent in another pay system, without time limitation after separation from the military service, but not after September 30, 1981. A veteran who is an applicant for a position at GS-3 or equivalent, and below under this subparagraph is deemed qualified to perform the duties the position on the basis of the veteran's civilian and military service.

(INSERT - Revised Section 316.402(b)(4) to FPM Supplement 990-1)

(4) A veteran, as defined in section 2011(2)(A) of title 38, United States Code, who:

(i) Served on active duty in the armed forces of the United States during the Vietnam era beginning August 5, 1964 and ending May 7, 1975;

(ii) Completed not more than 14-years of education, unless compensably disabled or discharged because of service-connected disabilities, in which case the 14-year educational requirement does not apply; and

(iii) Is qualified to perform the duties of the position.

An appointment under this subparagraph may be made only to a position at GS-7 or below, or equivalent in another pay system, without time limitation after separation from the military service, but not after September 30, 1981. A veteran who is an applicant for a position at GS-3 or equivalent, and below under this subparagraph is deemed qualified to perform the duties the position on the basis of the veteran's civilian and military service. (76A Stat. 18; 2 C.Z.C. 149(c)(2); E.O. 9830, 3 CFR, 1943-1948 Comp., p. 606) E.O. 11103, 3 CFR, 1959-1963 Comp., p. 762)

(Revised FPM Chapter 307)

Subchapter 1. General Provisions

1-1. OBJECTIVE

A veterans readjustment appointment is a noncompetitive appointment which leads to competitive status and career or career-conditional tenure upon satisfactory completion of service and education or training. This appointment reflects the continuing interest of both the executive and legislative branches in enhancing employment opportunities for Vietnam era veterans. Earlier efforts to meet the needs of the more recently discharged and low skilled veterans through the Transitional Appointment and Veterans Readjustment Appointment (VRA) Programs were beneficial, but limited. The VRA eligibility criteria as liberalized by Public Law 95-520 are intended to meet the unique needs of Vietnam era veterans in the current labor market and modify the concept that the VRA applies only to recently discharged veterans or those without marketable skills. Unlike the earlier criteria which limited the period of eligibility, or the program emphasis which may have served to exclude some who had marketable skills, the emphasis is now on all eligible Vietnam era veterans, regardless of skill level.

1-2. DEFINITIONS

In this chapter:

(1) A veterans readjustment appointment is an excepted appointment made after April 8, 1970, to a position otherwise in the competitive service of a veteran who served during the Vietnam era, under the conditions of this chapter.

(2) Veteran means veteran of the Vietnam era as defined in section 2011 (2)(A) of title 38, United States Code and is either (a) a person who serves on active duty for a period of more than 180 days any part of which occurred during the Vietnam era, and was discharged or released therefrom with other than a dishonorable discharge, or (b) a person who was discharged or released from active duty for a service-connected disability if any part of such active duty was performed during the Vietnam era.

(3) Vietnam era is the period beginning August 5, 1964 and ending May 7, 1975.

(4) Active duty means full-time duty in the Armed Forces, other than active duty for training.

1-3. BASIC ELIGIBILITY

Basic eligibility requirements for a veterans readjustment appointment are:

(1) the veteran must be a "veteran of the Vietnam era." NOTE: The character of acceptable discharges, for purposes of veterans readjustment appointment

eligibility only, is changed from "under honorable conditions" to "other than dishonorable conditions;"

(2) the veteran is a United States citizen;

(3) nondisabled veterans must have completed no more than 14 years of education (that is, no more than two calendar years of education beyond high school, or the equivalent). However, the 14-year educational restriction is waived for compensably disabled veterans and veterans discharged because of service-connected disabilities. NOTE: Where the record shows no more than two calendar years beyond high school, the nondisabled veteran is eligible regardless of the academic credits obtained in that period. Where the record shows intermittent attendance, the nondisabled veteran's eligibility may be determined by calculating his/her number of semester or quarter hours based on an academic year of education. For this purpose, an academic year of education ordinarily will be considered as comprising 30 semester hours, or 45 quarter hours. However, when it is established that the school last attended by the nondisabled veteran requires more than 120 semester hours for a degree, the number of credit hours required by the school will be used to determine when the nondisabled veteran has completed more than two years of college work;

(4) the veteran has agreed in writing to pursue a training or educational program during employment; and

(5) the eligibility for a veterans readjustment appointment now extends from military separation to September 30, 1981 under the liberalized provisions of Public Law 95-520. After September 30, 1981, veterans readjustment appointments may be made under the provisions of Executive Order 11521, unless rescinded.

1-4. APPOINTMENT AUTHORITY

a. Agencies are authorized to appoint, by veterans readjustment appointment, qualified Vietnam era veterans, who meet eligibility criteria in section 1-3, to full-time, part-time or intermittent positions at the following levels:

- GS-7 or below;
- WG-7 or below; or
- Equivalent, which means positions in other wage or pay systems where the level of pay is less than the first step of WG-8 if a grade comparison, i.e. 1 through 7, is not possible.

b. These appointments are subject to the following conditions:

(1) agencies may make appointments at GS-1, GS-2, WG-1 and WG-2 or equivalent if employees are encouraged to compete for further promotion under the merit promotion program;

(2) an agency may appoint any eligible Vietnam era veteran whom it considers capable of performing the duties of the position at GS-3, WG-3, or below,

or equivalent. A veteran who is an applicant for a position at GS-3, WG-3, or below, or the equivalent is considered qualified to perform the duties of the position on the basis of the veteran's civilian and military service. However, at higher grade levels, the veteran must meet the minimum qualification standards, including passing a written test, if required. When a written test is required, it may be administered noncompetitively by a designated agency examiner;

(3) the veteran must agree to participate in a program of education or training; and

(4) appointments are subject to investigation by OPM. A law, Executive order, or regulation which disqualifies a person for appointment in the competitive service also disqualifies a person for a veterans readjustment appointment.

1-5. EDUCATION AND TRAINING REQUIREMENTS

a. Objective. Before making a veterans readjustment appointment, an agency must assure itself that the veteran will undertake a suitable program of education or training while he/she is serving under the appointment.

(1) The education or training required of veterans serving under veterans readjustment appointments should be directed toward attainment of objectives which are meaningful to the veteran and consistent with the needs of the agency. These objectives toward which the veteran is directed should always be consistent with and reflect:

- career aspirations; and
- an ability to achieve realistic objectives which will contribute to personal development or help lead him/her to a successful career in the public or private sector.

(2) Each developmental program should be prepared jointly by the veteran and the employing agency and, if possible, with the active participation of the veteran's supervisor and responsible training and personnel officials.

(3) The requirements of the program are flexible in scope and length, to permit programs tailored to the needs of the veteran and the needs of the agency. No longer does the one year minimum time period for developmental programs exist.

Developmental activities may include:

- planned on-the-job training;
- rotational job assignments;
- off-job classroom training;
- community, volunteer projects;
- remedial education;
- vocational education;
- scientific or technical education;
- high school or high school equivalency; and/or
- college education.

(4) Examples of developmental programs:

(a) A veteran is appointed as a part-time electrician's helper, WG-5, under the veterans readjustment program. The employee believes that a journeyman electrician with a local electrical company is his/her career goal. A combination of on-the-job training and vocational education in the electrical field may serve to meet the developmental requirement.

(b) An ambitious veteran with two years of college is appointed as a nurse, GS-4, under the veterans readjustment program. The employee has career aspirations to be a public health nurse. The agency arranges a flexitime work schedule for the employee so that he/she can do volunteer work for the Red Cross and enroll in a program of nursing at a nearby college. A combination of on-the-job training, volunteer work, and college education may serve as the developmental plan.

(c) A disabled Vietnam era veteran college graduate is appointed as a GS-7 accountant under the veterans readjustment program. The type and scope of this employee's training or education activity may be limited since this veteran may have generally acquired the skills needed for success in a well defined career choice. In this case, a developmental program consisting of rotational job assignments and some formal classroom instruction in accounting problems may satisfy the developmental requirement.

(d) A high school graduate is appointed as a GS-3 mail clerk under the veterans readjustment program. The veteran has career aspirations to be a paraprofessional in the legal field. A developmental program consisting largely of college courses may be appropriate for this employee.

(5) Veterans should be encouraged and assisted to develop programs to meet their personal objectives. However, objectives not attainable within the two years of service allowed under a veterans readjustment appointment should not be included in the written training agreement.

(6) The promotion, reassignment, or transfer of an employee serving under a veterans readjustment appointment does not relieve the employee or the agency of their obligations with respect to satisfactory participation and completion of the developmental plan. If necessary, the plan may be changed to meet the employee's needs in the new position and the employee is required--as a condition for conversion to career or career-conditional employment--to complete the modified training or educational plan. The modified plan, however, must be one that can be completed prior to the scheduled conversion date.

b. Agency support for veterans' developmental activities. (1) Educational activities paid for by the agency must meet the requirements of chapter 41 of title 5, United States Code. Agencies are encouraged to waive the one-year continuous civilian service requirement (FPM basic chapter 410, 5-4a) for training through nongovernmental facilities. The veteran may use GI bill benefits for training or education undertaken in connection with his/her program but is not required to do so. Agencies should be alert to possible dual compensation infractions, i.e., a veteran claiming GI bill benefits and having this training provided or paid by the employing agency. See basic FPM chapter 410, 5-5d.

(2) Agencies may allow up to 10 hours duty time per week for job-related outside education. Any educational activity creditable toward acquisition of a high school diploma or equivalency certificate is considered to be job-related.

(3) Counseling is an essential element of each veteran's developmental program. Counseling is meant to assist the veteran not only in achieving immediate goals, but in coping with problems of adjustment, fulfilling work related interests, and attaining career aspirations. Whenever a veteran has trouble meeting the requirements of his/her program, every effort should be made to resolve the veteran's problems. In some cases, a revision of the program, including the objectives, may be needed.

(4) The Veterans Administration is a major source from which the veteran can get vocational and educational counseling. This counseling may include:

- personal problems;
- career choice and preparation;
- school or job-training; and
- job selection and search.

A VA counselor can assist the veteran in learning about career opportunities and requirements, training possibilities, sources of financial aid, and how to follow through on future plans. Vietnam era veterans eligible for educational benefits under the GI bill may obtain counseling from the VA at no charge. Agencies will ensure that each veterans readjustment appointee is given the address and telephone number of the nearest VA facility where he/she may take advantage of these counseling services. Agencies may use the telephone number listed in their local telephone directory under United States Government, Veterans Administration, or the WATS information 800-555-1212, to locate the nearest VA facility that can provide this counseling to the veteran.

c. Satisfactory participation in the program.

(1) Agencies are encouraged to schedule progress reviews, including discussions between the veteran and his/her supervisor concerning work performance and on-the-job training activities.

(2) When the plan includes an educational component or attendance at training courses, the veteran should arrange for appropriate periodic evidence of satisfactory participation.

(3) If the appointee's participation is unsatisfactory, additional counseling, including that available from the VA, may be appropriate prior to termination. In considering termination, the agency should give attention to circumstances beyond the employee's control, such as illness, heavy overtime work, or academic failure, unless that failure is clearly due to a lack of effort.

d. Documentation. The agency must prepare the training or education plan in writing. As a minimum, the written plan should specify:

- the activities the veteran will undertake to fulfill his/her educational or training objectives;

- the name, address, and telephone number of an agency official who can provide job-related counseling to the veteran;

- the address and telephone number of the nearest VA facility where the veteran can obtain educational and vocational counseling services; and

- a veteran's conversion to career or career-conditional employment is subject to satisfactory participation and completion of education or training plan and service.

This plan should be retained in the employee's Official Personnel Folder; copies should be given to the employee and his/her supervisor.

Appendix A is a model development plan that may be reproduced for agency use.

1-6. NONCOMPETITIVE MOVEMENTS

a. A person serving under a veterans readjustment appointment may move noncompetitively to other positions for which qualifed even though he/she has not yet completed the training or education program. Noncompetitive movements may include, but are not limited to reassignments, promotions, demotions, or transfers.

b. A veterans readjustment appointee must have the same opportunities for promotion as other employees and be subject to the same rules and regulations affecting other employees under the agency's merit promotion program. Employees holding veterans readjustment appointments may be promoted above GS-7 or equivalent levels.

c. Basically, the same qualifications determinations apply in noncompetitive actions as in original appointments. Agencies may use the add-on rule (see basic FPM chapter 337, 3-1b) when considering veterans readjustment appointees for promotion. However, promotions to GS-2/3, WG-2/3 or equivalent may be made without additional qualifications determinations because of the veteran's original eligibility for the higher grade.

1-7. CONDITIONS OF EMPLOYMENT

a. Veterans readjustment appointments are for a period of two years.

b. A veteran holding a veterans readjustment appointment serves subject to satisfactory performance of assigned duties and satisfactory participation in the training or educational program under which he/she was appointed. An employee who does not meet these conditions must be removed from his/her position. An agency may want to consider a voluntary demotion as an alternative to removal in this situation.

c. The adverse action procedures in basic FPM chapter 752 are applicable to veterans readjustment appointees who have completed one year of continuous employment.

d. Veterans readjustment appointments lead to career or career-conditional appointments. Accordingly, employees who are otherwise eligible are entitled to within-grade increases and fringe benefits associated with nontemporary employment.

e. Tenure groups for veterans readjustment appointees in the excepted service correspond with but are different from those for employees in the competitive service. A veterans readjustment appointee is in tenure group II during the first year of employment and is in tenure group I during the second year of employment for reduction in force purposes.

f. A veterans readjustment appointee may be entitled to military reemployment rights provided he/she meets the requirements in basic FPM chapter 353.

1-8. CONVERSIONS

A veterans readjustment appointment shall be converted to a career or career-conditional appointment within 30 days after the employee has completed two years of substantially continuous service under a veterans readjustment appointment, provided that his/her performance has been satisfactory. Satisfactory performance includes completion of the required portion of the training or educational program. Substantially continuous service means service without a break of more than 30 calendar days, except under conditions specified in FPM Supplement 296-31, Appendix B, Subchapter S315B. Agencies should consult FPM chapter 315, 7-7, to compute intermittent service.

1-9. REPORTING REQUIREMENT

a. In accordance with section 2014(d) of title 38, United States Code, OPM is responsible for reviewing, evaluating and reporting to Congress on the use and extent of agency appointments of disabled and Vietnam era veterans. The reporting requirement includes:

- number of agency veterans readjustment appointments and grade levels at which these appointments are made;

- number of persons at agencies receiving veterans readjustment appointments whose appointments were converted to career conditional appointment or whose employment has terminated, together with a complete listing of categories of causes of appointment terminations and the number of persons whose employment has terminated;

- number of voluntary and involuntary VRA terminations in agencies; and

- description of education and training programs for veterans readjustment appointees in agencies.

b. Agencies are responsible for the following:

- promoting maximum employment, placement, and job advancement opportunities for qualified disabled and Vietnam era veterans;

- submitting accurate and timely personnel transaction data to the Central Personnel Data File (CPDF);

- ensuring the information described in 1-9 a above is maintained in operating personnel offices for internal monitoring and evaluation purposes and is to be made available for OPM review, upon request; and

- providing other employment related reports as needed by OPM to fulfill statutory and other requirements.

Appendix A. Model Veterans Readjustment Appointment Plan

1. Name of Employee_____

2. Position Title and Grade_____

3. Agency or Installation_____

4. Description of Education/ Training Plan	Target Date(s) for Completion

5. The representative in this agency who can provide job-related counseling is

_____, located at _____
(Name) (Address)

and can be reached by calling _____.
(Telephone Number)

6. Educational and vocational counseling services are available to veterans readjustment appointees from the VA. The nearest VA facility which can provide this counseling is located at _____
(Address)

and can be reached by calling _____.
(Telephone Number)

NOTE: Conversion to career or career-conditional appointment is subject to satisfactory completion of this education/training plan (including any mutually agreed to changes made to this plan) and satisfactory completion of required service.

Signed_____
(Employee)

Signed _____
(Agency Representative)

Date_____

cc: Employee
Employee's Supervisor

(INSERT - Revised FPM Chapter 316, Subchapter 3-4

c. Noncompetitive selection (3))

(3) A veteran, as defined in section 2011(2)(A) of title 38, United States Code, (see Chapter 307, Subchapter 1-2(2)) who:

--Served on active duty in the armed forces of the United States during the Vietnam era beginning August 5, 1964 and ending May 7, 1975;

--Completed not more than 14-years of education, unless compensably disabled or discharged because of service-connected disabilities, in which case the 14-year educational requirement does not apply; and

--Is qualified to perform the duties of the position.

An appointment under this subparagraph may be made only to a position at GS-7 or below, or equivalent in another pay system, and now extends from military separation to September 30, 1981. A veteran who is an applicant for a position at GS-3 or equivalent, and below under this subparagraph is deemed qualified to perform the duties the position on the basis of the veteran's civilian and military service. It should be noted that an appointment under this delegation is not a veterans readjustment appointment and will not give the privilege of conversion to career-conditional appointment at a later date.

(INSERT - Revised FPM Chapter 316, Subchapter 4-8 i)

i. Appointment of certain Vietnam era veterans. A veteran, as defined in section 2011(2)(A) of title 38, United States Code, (see Chapter 307, Subchapter 1-2 (2)) may be selected, without examination by the Office, for a temporary limited appointment to any position in the competitive service at GS-7 or below, and its equivalent, for which a temporary limited appointment is appropriate and for which the veteran is qualified if he/she:

--Served on active duty in the armed forces of the United States during the Vietnam era beginning August 5, 1964 and ending May 7, 1975;

--Completed not more than 14-years of education, unless compensably disabled or discharged because of service-connected disabilities, in which case the 14-year educational requirement does not apply; and

--Is qualified to perform the duties of the position.

An appointment under this subparagraph now extends from military separation to September 30, 1981. On the basis of his or her total experience, including military experience, any veteran eligible for appointment under this paragraph meets the qualification standards for positions at GS-3 and below, and equivalent levels, provided the agency considers him or her capable of performing the duties of the specific position. It should be noted that an appointment under this delegation is not a veterans readjustment appointment and will not give the privilege of conversion to a career-conditional appointment at a later date.

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